

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 7, 2017

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2015AP1446

Cir. Ct. No. 2015JI41

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

A. T.,

PLAINTIFF-RESPONDENT,

v.

L. T.-H.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
LAURA GRAMLING PEREZ, Judge. *Affirmed.*

Before Brennan, P.J., Kessler and Brash, JJ.

¶1 PER CURIAM. L.T.-H., *pro se*, appeals an order issuing a harassment injunction against her. L.T.-H. argues that: (1) the circuit court misused its discretion in issuing the injunction; (2) the injunction violates her constitutional rights; (3) the circuit court lost competency to proceed because it

improperly adjourned two injunction hearings; and (4) the circuit court erred by issuing a two-year injunction. We affirm.

¶2 L.T.-H. first argues that the petitioner A.T., who is her daughter and was sixteen years old at the time she filed the petition, did not prove beyond a reasonable doubt that L.T.-H. harassed her. L.T.-H. is mistaken about the burden of proof that must be met for an injunction to issue. In a criminal case, the State must prove that a crime has been committed beyond a reasonable doubt, but a court may issue a harassment injunction if it “finds reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner.” WIS. STAT. § 813.125(4)(a)3. (2015-16).¹ The scope of the injunction is committed to the discretion of the circuit court. *Welytok v. Ziolkowski*, 2008 WI App 67, ¶24, 312 Wis. 2d 435, 752 N.W.2d 359. We will “not overturn a discretionary determination that is demonstrably made and based upon the facts of record and the appropriate and applicable law.” *Id.*

¶3 After two evidentiary hearings, the circuit court ruled that L.T.-H. engaged in a course of conduct that served no legitimate purpose with the intent to harass or intimidate A.T., who was living with legal guardians. The circuit court made the following factual findings to support its ruling: L.T.-H. threatened to have A.T.’s adult brothers arrested for no reason; L.T.-H. made threats to contact the Federal Bureau of Investigation; L.T.-H. contacted the police and alleged that A.T. was subject to domestic violence and being sexually abused in the home, prompting the police to conduct welfare checks multiple times in one evening; and

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

L.T.-H. continued to send A.T. text messages after A.T. told L.T.-H. that she did not want to continue to have contact with her. The circuit court's decision to issue the injunction was reasonable and was based on the facts of record. Therefore, we reject L.T.-H.'s argument that A.T. did not establish sufficient facts for the circuit court to issue the injunction.

¶4 L.T.-H. next argues that the circuit court violated her rights under the Sixth and Fourteenth Amendments of the United States Constitution when it issued the injunction. L.T.-H. does not develop this argument. Therefore, we will not consider it. *See State v. Pettit*, 171 Wis. 2d 627, 647, 492 N.W.2d 633 (Ct. App. 1992) (we may decline to review issues that are inadequately briefed).

¶5 L.T.-H. next argues that the circuit court lost competency to proceed because it adjourned the injunction hearing two times, on April 2, 2015, at L.T.-H.'s request, and on May 4, 2015, by express agreement of all of the parties on the record. L.T.-H. points to WIS. STAT. § 813.125(3)(c), which provides that “[a] judge ... shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued.” A circuit court does not lose competency to proceed under § 813.125(3)(c) where, as here, proceedings on the injunction are *commenced* within the fourteen-day time limit but continued beyond fourteen days by agreement of the parties. *See W.W.W. v. M.C.S.*, 185 Wis. 2d 468, 480-83, 518 N.W.2d 285 (Ct. App. 1994). Therefore, we reject this argument.

¶6 L.T.-H. next argues that the circuit court acted beyond its authority in issuing a two-year injunction. She argues that the circuit court was permitted to continue the injunction only until A.T. turned eighteen years old, which would have been approximately one year. L.T.-H. is mistaken. A harassment injunction

may be issued for up to four years. *See* WIS. STAT. § 813.125(4)(c). The circuit court's decision to issue the injunction for two years was therefore within its statutory authority. L.T.-H. cites WIS. STAT. § 813.122 to support her argument. That statute addresses child abuse injunctions. A child abuse injunction may be issued for up to two years, but only until a child turns eighteen. SECTION 813.122(5)(d)1. Although A.T. initially petitioned for both a child abuse injunction and a harassment injunction, the child abuse injunction petition was dismissed on April 2, 2015. The injunction was issued pursuant to the harassment injunction statute, § 813.125.

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.

